

AMENDED IN SENATE APRIL 11, 2016

SENATE BILL

No. 1100

Introduced by Senator Monning

February 17, 2016

An act to ~~amend Section 6354.7 of, and add Section 6354.8 to, and to repeal and amend Section 6354.7 of,~~ the Labor Code, relating to occupational safety and health.

LEGISLATIVE COUNSEL'S DIGEST

SB 1100, as amended, Monning. Worker occupational safety and health training and education program.

Existing law requires the Commission on Health and Safety and Workers' Compensation to establish and maintain a worker and occupational safety and health training and education program and requires the Director of Industrial Relations to establish an insurance loss control services coordinator position, to be funded from the Workers' Occupational Safety and Health Education Fund. Existing law requires the director to levy and collect fees from workers' compensation insurers for purposes of the program, with the fees to be deposited in the fund. Moneys in the fund are available for expenditure for the above purposes upon appropriation by the Legislature.

This bill would ~~rename that fund the Workers' Occupational Safety and Health Injury and Illness Prevention Through Education, Research, and Treatment Fund.~~ *provide that moneys in the Workers' Occupational Safety and Health Education Fund may be applied to specified collaborative work by the commission in connection with its training and education program. The bill would expand the list of purposes of the training and education program, which would be referred to as the Worker Occupational Safety and Health Training and Education*

Program, or WOSHTEP, to increase the number of, and assure continued capacity of, specified organizations to train workers and provide services. The bill would require, as part of WOSHTEP, that the commission collaborate with the Occupational Health Branch of the State Department of Public Health and the University of California occupational health centers affiliated with regional schools of medicine and public health, as specified. The bill would repeal duplicative provisions.

~~The bill would require the Occupational Health Branch of the State Department of Public Health, by interagency agreement with the Division of Occupational Safety and Health, to provide administrative and programmatic oversight for the establishment, implementation, and evaluation of a California occupational research agenda and a community occupational health program.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known, and may be cited, as
2 “The Dr. Julia Quint Program for ~~Research, Prevention, and~~
3 ~~Treatment~~ *Research and Prevention* of Occupational Injuries and
4 *Illnesses.” The intent of this act is to establish a California*
5 *occupational research agenda, increase coordination and*
6 *collaboration between community occupational health clinics and*
7 *the centers for occupational and environmental health, and provide*
8 *training with the goals of preventing occupational injuries and*
9 *illnesses suffered by the most vulnerable workers, including*
10 *non-English speakers working in high-risk occupations, and*
11 *reducing the consequences and costs of those injuries and illnesses*
12 *through early intervention with appropriate care.*

13 SEC. 2. Section 6354.7 of the Labor Code, as added by Section
14 84 of Chapter 6 of the Statutes of 2002, is repealed.

15 6354.7. (a) ~~The Workers’ Occupational Safety and Health~~
16 ~~Education Fund is hereby created as a special account in the State~~
17 ~~Treasury. Proceeds of the fund may be expended, upon~~
18 ~~appropriation by the Legislature, by the Commission on Health~~
19 ~~and Safety and Workers’ Compensation for the purpose of~~
20 ~~establishing and maintaining a worker occupational safety and~~
21 ~~health training and education program and insurance loss control~~

1 services coordinator. The director shall levy and collect fees to
2 fund these purposes from insurers subject to Section 6354.5.
3 However, the fee assessed against any insurer shall not exceed the
4 greater of one hundred dollars (\$100) or 0.0286 percent of paid
5 workers' compensation indemnity claims as reported for the
6 previous calendar year to the designated rating organization for
7 the analysis required under subdivision (b) of Section 11759.1 of
8 the Insurance Code. All fees shall be deposited in the fund.

9 (b) The commission shall establish and maintain a worker safety
10 and health training and education program. The purpose of the
11 worker occupational safety and health training and education
12 program shall be to promote awareness of the need for prevention
13 education programs, to develop and provide injury and illness
14 prevention education programs for employees and their
15 representatives, and to deliver those awareness and training
16 programs through a network of providers throughout the state. The
17 commission may conduct the program directly or by means of
18 contracts or interagency agreements.

19 (c) The commission shall establish an employer and worker
20 advisory board for the program. The advisory board shall guide
21 the development of curricula, teaching methods, and specific course
22 material about occupational safety and health, and shall assist in
23 providing links to the target audience and broadening the
24 partnerships with worker-based organizations, labor studies
25 programs, and others that are able to reach the target audience.

26 (d) The program shall include the development and provision
27 of a needed core curriculum addressing competencies for effective
28 participation in workplace injury and illness prevention programs
29 and on joint labor-management health and safety committees. The
30 core curriculum shall include an overview of the requirements
31 related to injury and illness prevention programs and hazard
32 communication.

33 (e) The program shall include the development and provision
34 of additional training programs for any or all of the following
35 categories:

- 36 (1) Industries on the high hazard list.
37 (2) Hazards that result in significant worker injuries, illnesses,
38 or compensation costs.
39 (3) Industries or trades where workers are experiencing
40 numerous or significant injuries or illnesses.

~~(4) Occupational groups with special needs, such as those who do not speak English as their first language, workers with limited literacy, young workers, and other traditionally underserved industries or groups of workers. Priority shall be given to training workers who are able to train other workers and workers who have significant health and safety responsibilities, such as those workers serving on a health and safety committee or serving as designated safety representatives.~~

~~(f) The program shall operate one or more libraries and distribution systems of occupational safety and health training material, which shall include, but not be limited to, all material developed by the program pursuant to this section.~~

~~(g) The advisory board shall annually prepare a written report evaluating the use and impact of programs developed.~~

~~(h) The payment of administrative costs incurred by the commission in conducting the program shall be made from the Workers' Occupational Safety and Health Education Fund.~~

~~SEC. 2.~~

SEC. 3. Section 6354.7 of the Labor Code, as added by Section 15 of Chapter 866 of the Statutes of 2002, is amended to read:

6354.7. (a) The Workers' Occupational Safety and Health Injury and Illness Prevention Through Education, Research, and Treatment Education Fund is hereby created as a special account in the State Treasury. Proceeds of the fund may be expended, upon appropriation by the Legislature, by the Commission on Health and Safety and Workers' Compensation for the purpose of establishing and maintaining the Worker Occupational Safety and Health Training and Education Program and purposes specified in this section and Section 6354.8 and for an insurance loss control services coordinator. The director shall levy and collect fees to fund these purposes from insurers subject to Section 6354.5. However, the fee assessed against any insurer shall not exceed the greater of one hundred dollars (\$100) or 0.0286 percent of paid workers' compensation indemnity amounts for claims as reported for the previous calendar year to the designated rating organization for the analysis required under subdivisions (b) and (c) of Section 11759.1 of the Insurance Code. All fees shall be deposited in the fund.

(b) The commission shall establish and maintain a worker occupational safety and health training and education program, to

be referred to as the Worker Occupational Safety and Health Training and Education Program, or WOSHTEP. The purpose of the WOSHTEP shall be to promote awareness of the need for prevention education programs, to develop and provide injury and illness prevention education programs for employees and their representatives, *to increase the number of, and to ensure continued capacity of, nonprofit provider organizations, including labor-management cooperation committees, joint labor-management apprentice programs, labor unions, community or faith-based organizations that focus on vulnerable workers, and state government-supported postsecondary educational institutions, to train workers and provide related services,* and to deliver those awareness and training programs through a network of providers throughout the state. The commission may conduct the WOSHTEP directly or by means of contracts or interagency agreements.

(c) The commission shall establish an ~~employer and worker~~ advisory board for the ~~WOSHTEP~~. *WOSHTEP that includes employer and worker representatives and experts in occupational safety and health.* The WOSHTEP advisory board shall guide the development of curricula, teaching methods, and specific course material about occupational safety and health, and shall assist in providing links to the target audience and broadening the partnerships with worker-based organizations, labor studies programs, and others that are able to reach the target audience.

(d) The WOSHTEP shall include the development and provision of a needed core curriculum addressing competencies for effective participation in workplace injury and illness prevention programs and on joint labor-management health and safety committees. The core curriculum shall include an overview of the requirements related to injury and illness prevention programs and hazard communication.

(e) The WOSHTEP shall include the development and provision of additional training programs for any or all of the following categories:

- (1) Industries on the high hazard list.
- (2) Hazards that result in significant worker injuries, illnesses, or compensation costs.
- (3) Industries or trades in which workers are experiencing numerous or significant injuries or illnesses.

(4) Occupational groups with special needs, such as those who do not speak English as their first language, workers with limited literacy, young workers, and other traditionally underserved industries or groups of workers. Priority shall be given to training workers who are able to train other workers and workers who have significant health and safety responsibilities, such as those workers serving on a health and safety committee or serving as designated safety representatives.

(f) The WOSHTEP shall operate one or more libraries and distribution systems of occupational safety and health training material, which shall include, but not be limited to, all material developed by the program pursuant to this section.

(g) The WOSHTEP advisory board shall annually prepare a written report evaluating the use and impact of programs developed.

(h) The payment of administrative costs incurred by the commission in conducting the WOSHTEP shall be made from the Workers' Occupational Safety and Health ~~Injury and Illness Prevention Through Education, Research, and Treatment Education~~ Fund.

~~(i) As used in this section, "Worker Occupational Safety and Health Training and Education Program" or "WOSHTEP" means the program established and maintained pursuant to subdivision (b).~~

~~SEC. 3.~~

~~SEC. 4.~~ Section 6354.8 is added to the Labor Code, to read:

~~6354.8. The Occupational Health Branch of the State Department of Public Health, by interagency agreement with the division, shall provide administrative and programmatic oversight for the establishment, implementation, and evaluation of a California occupational research agenda and a community occupational health program.~~

~~6354.8. In addition to the duties and functions specified in Section 6354.7, the Worker Occupational Safety and Health Training and Education Program shall work in collaboration with:~~

~~(a) The Occupational Health Branch of the State Department of Public Health to develop and implement a California occupational research agenda focused on the prevention of occupational injuries and illnesses that are most prevalent, serious, and costly for California employers and employees.~~

1 ***(b) The University of California occupational health centers***
2 ***affiliated with regional schools of medicine and public health, as***
3 ***established by Section 50.8, to increase coordination and***
4 ***collaboration, including providing training to community-based***
5 ***health clinics that serve vulnerable workers, including non-English***
6 ***speakers, working in high-risk occupations.***

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